

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
1512-84First named inventor: FABRIES, LionelApplication No.: 10/574760Art Unit: 1655Filed: April 6, 2006Examiner: MI. QIUWENTitle: Dermo-Cosmetic Composition For Pets

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional

1. Petition Fee

- ☒ Small entity-fee \$ 810 (37 CFR 1.17(m)). Application claims small entity status. See 37 CFR 1.27.
- ☐ Other than small entity-fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of RESPONSE/ELECTION (identify type of reply):☐ has been filed previously on _____.☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

☐ has been paid previously on _____.☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of fee a petitioner requires to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

/John S. Egbert/

Signature
John S. Egbert

Type or Printed name
Egbert Law Offices, PLLC

Address
412 Main Street, 7th Floor, Houston, Texas 77002

Address

5 May 2010

Date
30627

Registration Number, if applicable
7132248080

Telephone Number

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

5 May 2010

Date

/Kevin McDaniel/

Signature

Kevin McDaniel

Typed or printed name of person signing certificate

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: FABRIES, Lionel

SERIAL NO.: 10/574760 (International Serial No.PCT/FR2004/002518)

FILED: April 6, 2006 (International Filing Date: 6 October 2004)

TITLE: DERMO-COSMETIC COMPOSITION FOR PETS

PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)
STATEMENT OF FACTS

Mail Stop PCT
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.137(b), the following is a statement of delay caused by unintentional circumstances.

1. The present application was filed on 6 August 2006 as a U.S. national stage application, based on PCT/FR2004/002518.
2. A Requirement for Restriction/Election was sent on 6 July 2009, having a response being due by 6 August 2009.
3. A Notice of Abandonment was mailed on January 21, 2010.
4. The present petition is more than three months after the date the U.S. Patent and Trademark Office sent the notice of abandonment to Applicant's attorney. The period of delay was unintentional.
5. The Applicant is a French citizen. Between the date when the Requirement for Restriction/Election was mailed and the date a reply was due, Applicant changed foreign representatives. Due to this change, confusion regarding instructions for the

Response to the Requirement for Restriction/Election ensued. As such, Applicant and Applicant's current foreign representatives did not become aware of the abandonment of the application until after the Notice of Abandonment was mailed by the USPTO.

6. Communications regarding notification of abandonment of the application were apparently not forwarded from the prior foreign representatives to the Applicant until well after the Notice of Abandonment was mailed.
7. The present petition is less than one year after the date of actual abandonment by the U.S. Patent and Trademark Office.
8. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

Applicant petitions for revival based upon unintentional delay, and Applicant has included a proper response, comprising an election. A Terminal Disclaimer is not required for this post-1995 utility patent application. Applicant files the required reply to secure revival of the patent application.

The present Petition for Revival is less than one year of the actual abandonment, but greater than three months after receiving notice of Abandonment. The entire period of delay, until the filing of the present grantable petition, was unintentional.

Applicant respectfully requests granting the Petition to Revive because the Applicant never intended for the application to be abandoned. The government fee of \$810 for a small entity is attached. Any additional fees for the petition to revive or any overpayment with regard to this petition may be credited or debited to Deposit Account 08-0879.

Respectfully submitted,

May 5, 2010

Date

/John S. Egbert/

John S. Egbert
Reg. No. 30,627

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: FABRIES, Lionel

SERIAL NO.: 10/574760 (International Serial No.PCT/FR2004/002518)

FILED: April 6, 2006 (International Filing Date: 6 October 2004)

TITLE: DERMO-COSMETIC COMPOSITION FOR PETS

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that the attached correspondence comprising:

PETITION FOR REVIVAL OF AN APPLICATION (37 C.F.R. § 1.137(b))

is being deposited by electronic filing on May 5, 2010.

Respectfully submitted,

May 5, 2010
Date

/John S. Egbert/
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